IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2010 OF 2005

IN

SUMMARY SUIT NO.1536 OF 1984

Krishangopal Khushalchand Arora. ...Plaintiff.

vs.

Mr.Ramprakash Khushalchand Arora. ...Defendant.

Mr.V.N.Bodke i/b. M/s.Chitnis Vaithy & Co. for Plaintiff.

None for defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 14th December,2006..

P.C.:-

1. This is a notice of motion taken out by the plaintiff for restoration of the suit which has been dismissed for default on 11.9.2003. According to paragraph (4) of the affidavit filed in support of notice of motion a reason that is given for not remaining present in the Court is that the managing clerk of the Advocate of the plaintiff failed to note that the matter was on board of the Court on 11.9.2003. Neither

the name of the managing clerk of the Advocate is disclosed nor his affidavit has been filed. The explanation given for not remaining present in the Court is extremely vague and therefore, it cannot be accepted. The notice of motion is disposed of.